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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
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11 REBECCA STONE et al.,

12 Plaintiffs,

13 v.

14 DESIREE RENEE WALKER,

15 Defendants.  
16  
17  
18

Case No. 5:22-CV-00916-JGB-(KKx)

**ORDER RE SETTLEMENT  
CONFERENCE**

19 **PLEASE READ THIS ORDER CAREFULLY**

20 This case has been referred to Magistrate Judge Kenly Kiya Kato for  
21 settlement proceedings. The Video Settlement Conference is placed on calendar  
22 for **August 30, 2023 at 9:30 a.m.**

23 The Magistrate Judge will not be involved in the actual trial of the case,  
24 but rather will assist the parties in an objective appraisal and evaluation of the  
25 case. The following are guidelines for the parties in preparing for the  
26 Settlement Conference.

27 1. The purpose of the Settlement Conference is to permit an  
28 informal discussion between the attorneys, parties, non-party indemnitors or

1 insurers, and the settlement judge, of every aspect of the case bearing on its  
2 settlement value.

3 2. Pursuant to Local Rule 16-14.8, all settlement proceedings shall be  
4 confidential, and no statement made therein shall be admissible in any  
5 proceeding in the case, unless the parties otherwise agree. No part of a  
6 settlement proceeding shall be reported or otherwise recorded, without the  
7 consent of the parties, except for any memorialization of a settlement.

8 3. In addition to counsel who will try the case being present, a person  
9 with full settlement authority should likewise be present for the conference.  
10 This requirement contemplates the physical presence of your client or, if a  
11 corporate or governmental entity, of an authorized and knowledgeable  
12 representative of your client. The plaintiff's representative must have full and  
13 final authority, in the representative's sole discretion, to authorize dismissal of  
14 the case with prejudice, or to accept a settlement amount recommended by the  
15 settlement judge. The defendant's representative must have final settlement  
16 authority to commit the defendant to pay, in the representative's sole discretion,  
17 a settlement amount agreed to during the settlement conference.

18 4. Subject to paragraph 7 below, counsel appearing without their  
19 clients (whether or not counsel purportedly have been given settlement  
20 authority) will cause the settlement conference to be cancelled and rescheduled.  
21 The noncomplying party, attorney, or both, may be assessed the costs and  
22 expenses incurred by other parties as a result of such cancellation and  
23 rescheduling.

24 5. Any insurance company that is a party to the case or is  
25 contractually required to defend or to pay damages assessed within policy  
26 limits, should have a settlement representative present at the conference. Such  
27 representative must have final settlement authority to commit the company to  
28 pay an amount agreed during the settlement conference. The purpose of this

1 requirement is to have an insurance representative present who can settle the  
2 outstanding claim or claims during the course of the conference without  
3 consulting a superior. Counsel of record will be responsible for timely advising  
4 any involved non-party insurance company of the requirements of this Order.

5         6. No later than 4:00 p.m. five (5) court days prior thereto, each party  
6 shall submit a Confidential Settlement Conference Statement directly to the  
7 chambers of Magistrate Judge Kato via email to  
8 [kk\\_chambers@cacd.uscourts.gov](mailto:kk_chambers@cacd.uscourts.gov). The Statements should not be filed with the  
9 Clerk of the Court, and they will not be made part of the case file. The  
10 Statements shall be double-spaced and shall not exceed ten (10) pages in length.  
11 The parties must comply with Local Rule 11-3.1 by using a proportionally  
12 spaced or a monospaced typeface. The size of a proportionally spaced face  
13 must be 14-point or larger and a monospaced face may not contain more than  
14 10-1/2 characters per inch. The parties' respective Confidential Settlement  
15 Conference Statements shall include the following:

16             A. A brief statement of the facts of the case, and of the claims  
17 and defenses remaining to be tried, including the statutory or other grounds  
18 upon which the claims are founded. This statement should identify the major  
19 factual and legal issues in dispute and cite any controlling authorities.

20             B. An itemized statement of the damages claimed, and of any  
21 other relief sought.

22             C. A summary of the proceedings to date, including any case  
23 management dates/deadlines already set by the District Judge.

24             D. A history of past settlement discussions, offers and demands,  
25 including the most recent settlement offers exchanged. A forthright evaluation  
26 of the party's likelihood of prevailing on each of its claims and/or defenses.

27             E. The approximate amount of attorney's fees, time and costs  
28 expended to date, and an estimate of the fees, time and costs to be expended for

1 (i) further discovery, (ii) pretrial preparations, and (iii) trial.

2 F. The party's evaluation of the terms on which the other side  
3 might settle the case.

4 G. The party's evaluation of the terms on which the case could  
5 be settled fairly, taking into account the litigation position and settlement  
6 position of the other side.

7 7. At the conference, counsel for each party should have available for  
8 the Court's perusal copies of all key documents in the case, as well as copies of  
9 all important witnesses' deposition transcripts.

10 8. Any failure of the trial attorneys, parties or persons with authority  
11 to attend the conference may result in sanctions to include the fees and costs  
12 expended by the other parties in preparing for and attending the conference.  
13 The failure of any party to timely submit a Confidential Settlement Conference  
14 Statement in compliance with this Order, or otherwise comply strictly with this  
15 Order, may result in the Settlement Conference being ordered off calendar and  
16 sanctions being imposed.

17 9. If settlement between any or all parties is reached as a result of the  
18 Settlement Conference, it is the responsibility of counsel to immediately report  
19 the settlement to the District Judge's courtroom deputy clerk, as well as to  
20 timely memorialize the settlement. See Local Rule 16-14.7.

21 10. All papers submitted for the Settlement Conference will either be  
22 returned to the parties or destroyed by the Magistrate Judge, after the settlement  
23 proceedings are concluded, unless the parties agree otherwise.

24 11. Counsel and any party, if unrepresented by counsel, shall notify the  
25 Court in writing, at least, ten (10) business days before the Settlement  
26 Conference if one or more of the attorneys or unrepresented parties believes the  
27 Settlement Conference would be a futile act resulting in an economic waste  
28 because; for example, a party or insurer has adopted an unreasonable position

1 from which that party or insurer refuses to deviate. The Court will then consider  
2 whether the Settlement Conference would be helpful and, if not, whether the  
3 Settlement Conference should be canceled, or other forms of the alternative  
4 dispute resolutions be considered. If there is disagreement between or among  
5 the attorneys or unrepresented parties on this issue or any other issue, they are  
6 instructed to arrange for a telephonic conference with the Court and all counsel  
7 as soon as reasonably practical. If no such conference is arranged, it will be  
8 presumed that all counsel, their clients, and any unrepresented party believe that  
9 there is a reasonable, good faith opportunity for settlement, and that the  
10 involvement of a settlement judge is needed to accomplish it.

11  
12 DATED: August 17, 2023



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HONORABLE KENLY KIYA KATO  
UNITED STATES MAGISTRATE JUDGE